

PLANNING & DEVELOPMENT SERVICES DEPARTMENT REPORT

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DATE: February 15, 2001

TO: Orange County Zoning Administrator

FROM: Planning and Development Services Department/Current Planning Services Division

SUBJECT: Public Hearing on Planning Application PA00-0130 for Use Permit

PROPOSAL: The applicant is requesting approval of a Use Permit to permit a guesthouse in the rear portion of the property. The proposed guesthouse has no kitchen facilities and will be used only by the applicant and their non-paying guests. Included with the Use Permit is a request to allow a 6 feet high block wall in the front setback when a wall height of 3 ½ feet is permitted in the front setback area.

LOCATION: In an unincorporated County island in Costa Mesa, between Santa Ana Ave and Tustin Ave, at 361 E. 22nd Street, Costa Mesa. Fifth Supervisorial District.

APPLICANT: Steven and Nancy Mitchell

STAFF William V. Melton, Project Manager
CONTACT: Phone: (714) 834-2541 FAX: (714) 834-4652

SYNOPSIS: Current Planning Services Division recommends Zoning Administrator approval of PA00-0130 subject to the attached Findings and Conditions of Approval.

BACKGROUND:

The subject site is zoned R1 "Single-family Residence" and is presently developed with a single-family dwelling. The lot measures 60 feet wide by 300 feet deep and is identical in size to the lots on the north and south. The applicant is requesting approval of a Use Permit to permit an 850 square feet, one-story guesthouse in the rear portion of the property. The guesthouse, which was constructed without benefit of a building permit, measures approximately 25 feet by 36 ½ feet. It is located adjacent to an existing pool, 101 feet from the rear property line, 5 feet from the southerly side property line and 30 feet from the northerly side property line. The guesthouse has a full bath and a half bath; three separate rooms and a front and rear porch. The guesthouse has no kitchen facilities and will be used only by the applicant and their non-paying guests. The guesthouse is also being used as a pool house.

The site fronts on Twenty-second Street. Presently the street has a right-of-way width of 70 feet with the street's centerline 30 feet from the applicant's property and 40 feet from the property on the opposite side of the street. Twenty-second Street is shown as a Secondary Arterial on the Master Plan of Arterial Highways with an ultimate right-of-way width of 80 feet. Staff from Subdivision and Grading Services Division informed planning staff that since this is a single-family dwelling, the applicant will not be required to dedicate 10 feet of their property frontage for future widening of 22nd street. It should be noted

that the full 80 feet wide right-of-way on 22nd Street is present only in a few of locations. The majority of 22nd Street in the vicinity of the site is still the original right-of-way width of 60 feet. If the County or City, if the property annexed by the City, decides to construct 22nd Street to its ultimate 80 foot width, the County or City would need to purchase the additional right-of-way from the property owners. It should be noted that neither the County nor the City of Costa Mesa appear to be involved in an effort to widen 22nd Street at this time.

Included with the Use Permit is a request to allow a 6 feet high block wall in the front setback when a wall height of 3 ½ feet is permitted in the front setback area. The wall has been constructed and is inline with a 6 feet high block wall on the adjoining property to the south (which does not have a required Use Permit according to a search of County records). There is also an existing 6 feet high rolling type driveway gate. The wall is presently sitting back 15'-2" from the back of sidewalk. If 22nd Street is fully developed to its ultimate 80 feet right-of-way width, the wall and driveway gate would be located 5'-2" from the back of sidewalk.

SURROUNDING LAND USE: (assumes 22nd Street runs north and south)

Direction	Zoning	Existing Land Use
Project Site	R1 "Single-family Residence"	Single-family dwelling unit
North	R1 "Single-family Residence"	Single-family dwelling unit
South	R1 "Single-family Residence"	Single-family dwelling unit
East	R1 "Single-family Residence"	Single-family dwelling unit
West	City of Coast Mesa	School site

REFERRAL FOR COMMENT AND PUBLIC NOTICE:

A Notice of Hearing was mailed to all owners of record within 300 feet of the subject site. Additionally, a notice was posted at the site, at the 300 N. Flower Building and as required by established public hearing posting procedures. A copy of the planning application and a copy of the proposed site plan were distributed for review and comment to three County Divisions and the City of Costa Mesa.

As of the writing of this staff report, no comments raising issues with the project have been received from other County divisions. The City of Costa Mesa did not provide comments.

CEQA COMPLIANCE:

The proposed project is Categorically Exempt, Class 3 (construction of limited numbers of new small structures or facilities), from the requirements of CEQA.

DISCUSSION/ANALYSIS:

There are two parts to this Use Permit request: part one is for a guesthouse; and part two is for an over height wall in a setback area. Both the guesthouse and the wall have been constructed. Guesthouses are addressed in the “Special Regulations” of the Zoning Code in Section 7-9-146. The purpose of this section is to permit certain uses that may be appropriate and compatible with other uses provided other development and performance standards are applied beyond the standards of the district where they are proposed. Specifically Section 7-9-146.5 “Guesthouses or second residential units” says in general that guesthouses are permitted on any single-family zoned lot provided that it does not exceed 1,200 square feet of floor area if detached, does not encroach into a setback area, provides one additional covered or uncovered parking space and a Use Permit is approved by the Zoning Administrator.

The proposed guesthouse meets all of the required standards for setbacks, floor area size and the additional parking space. There is an existing 3-car garage on site (the third garage space was constructed without benefit of a building permit). Because the proposed guesthouse is only one-story in height and because of the size of the lot, it would appear that the proposed guesthouse is compatible with the other residential uses in the vicinity. Except for the lack of building permits for the existing guesthouse and garage addition, there appears to be no planning issues with the proposal.

With regards to the proposed 6 feet high wall in the front setback area, as noted, the Use Permit is for an existing over height wall in the front yard. The wall was built without benefit of a Use Permit or a possible building permit. According to the applicant, the wall and driveway gate were constructed several years ago. The wall is inline and blends in with the existing 6 feet high block wall to the south. There is also a fence on the property to the north that is approximately two feet closer to the front property line than is the applicant’s wall. The applicant has side entry garages. This design together with the maneuvering area in front of the garages permits cars to exit the site in a forward direction. The existing wall setback of 15’-2” from the right-of-way line and the ultimate right-of-way wall setback of 5’-2” will provide adequate driveway/street intersection sight distance required under County Standard Plan 1117. Except for lack of a possible building permit, there does not appear to be a significant planning issue with the proposed wall and driveway gate. The Zoning Administrator will be able to make the two findings required for walls as shown in Appendix A.

Staff supports the applicant’s Use Permit request for a guesthouse and an over height wall in the front setback area. As noted the wall is compatible with other walls in the vicinity and the guesthouse meets all development standards. Staff is recommending a Condition of Approval requiring the applicant to obtain building permits for the guesthouse, garage addition and the wall if needed. Staff’s recommendation follows on the next page.

RECOMMENDED ACTION:

Current Planning Services Division recommends the Zoning Administrator:

- a. Receive staff report and public testimony as appropriate; and,
- b. Approve Planning Application PA00-0130 for Use Permit subject to the attached Findings and Conditions of Approval.

Respectfully submitted

Chad G. Brown, Chief
CPSD/Site Planning Section

WVM

Folder: D/Use Permit/Use Permit 2000/PA00-0130 Staff

APPENDICES:

- A. Recommended Findings
- B. Recommended Conditions of Approval

EXHIBITS:

1. Applicant's Letter of Explanation
2. Site Plans with site photo

APPEAL PROCEDURE:

Any interested person may appeal the decision of the Zoning Administrator on this permit to the Orange County Planning Commission within 15 calendar days of the decision upon submittal of required documents and a filing fee of \$245.00 filed at the Development Processing Center, 300 N. Flower St., Santa Ana.